

1 THE HONORABLE THOMAS S. ZILLY
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6
7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
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10 BUNGIE, INC., a Delaware corporation,
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12 Plaintiff
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14 v.
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16 AIMJUNKIES.COM, a business of unknown
17 classification; PHOENIX DIGITAL GROUP
18 LLC, an Arizona limited liability company;
19 JEFFREY CONWAY, an individual; DAVID
20 SCHAEFER, an individual; JORDAN GREEN,
21 an individual; and JAMES MAY, an individual,
22
23 Defendants.

24 Cause No. 2:21-cv-0811 TSZ
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27 **DEFENDANTS' MOTION TO
28 SEAL**

29 **Note On Motion Calendar:
30 August 17, 2023**

31 Pursuant to LCR 5(g) and Section 4.4 of the applicable Protective Order, dated July
32 20, 2022 (see Dkt#60) (the "Protective Order"), Defendants by and through their counsel,
33 respectfully request that the Court seal Exhibits A, B C and D of the Declaration of Philip P.
34 Mann ("Mann Decl.") filed in connection with Defendants' Surreply In Opposition to
35 Plaintiff's Motion For Summary Judgment filed contemporaneously herewith.
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37 The Exhibits consist of four email threads that Plaintiff Bungie has designated as
38 "Highly Confidential" under this Court's July 20, 2022 Protective Order, Dkt#60. The
39 purpose of this motion is to respect and protect those designations.
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41 The parties are entitled to file these documents under seal pursuant to LCR 5(g)(2)(A)
42 because this Court issued a prior Protective Order, authorizing the parties to file confidential
43 documents under seal. The private interests of the parties in protecting their confidential and
44 proprietary business records outweigh any interest that the public may have in knowing the
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1 contents of these exhibits. See LCR 5(g)(3)(B). Additionally, there is no less restrictive
2 alternative for protecting the contents of these exhibits because the confidential information
3 contained within them needs to be placed before the Court for proper consideration of the
4 pending motions.

5 In accordance with LCR 5(g)(1)(A) and 5(g)(3)(A), counsel for the parties previously
6 met and conferred in connection with this Motion to Seal on August 17, 2023 wherein Bungie
7 confirmed its request that the documents maintain their “Highly Confidential” designation.

8 Dated August 17, 2023.

9 /s/ Philip P. Mann
10 Philip P. Mann, WABA No: 28860
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